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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC LOREN CLAWSON,

Defendant.

CR No. 09-70255 EMC

ORDER OF DETENTION

I. INTRODUCTION

This matter came before the Court on March 17, 2009 for a detention hearing. Defendant Eric Clawson was present in custody and represented by attorney Ronald Tyler. Assistant U.S. Attorney Katherine B. Dowling appeared on behalf of the United States.

Pretrial Services submitted a report to the Court and the parties that recommended release with condition, and a representative of Pretrial Services was present at the hearing. The Government requested detention, and the Defendant opposed. Proffers and arguments regarding detention were submitted by the parties at the hearing.

Upon consideration of the facts, proffers and arguments presented, the Court finds by clear and convincing evidence that no condition or combination of conditions of release will

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MAR 20 2009

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 reasonably assure the safety of the community. Accordingly, the Court concludes that the
2 Defendant must be detained pending trial in this matter.

3 4 **II. RELEVANT LEGAL STANDARD**

5 The present order supplements the Court's findings at the detention hearing and serves as
6 written findings of fact and a statement of reasons as required by 18 U.S.C. § 3142(i)(1). The
7 Bail Reform Act of 1984, 18 U.S.C. §§ 3141–50, governs pretrial detention of criminal
8 defendants. Under the procedures set forth in 18 U.S.C. § 3142, pretrial detention is appropriate
9 when a judge finds that “no condition or combination of conditions” will (1) “reasonably assure”
10 the appearance of the person at trial, and (2) “reasonably assure” the safety of the community. 18
11 U.S.C. § 3142(e). In this case, the government bears the burden of proving by a preponderance
12 of the evidence that no condition can reasonably assure Defendant's appearance, and of proving
13 by clear and convincing evidence that no condition can reasonably assure that defendant will not
14 present a danger to the community. *See* 18 U.S.C. § 3142(f)(2)(B) (“The facts the judicial
15 officer uses to support a finding ... that no condition or combination of conditions will
16 reasonably assure the safety of any other person and the community shall be supported by clear
17 and convincing evidence.”).

18 19 **III. FINDINGS AND ORDER**

20 The Court finds by clear and convincing evidence that no condition or combination of
21 conditions of release will reasonably assure the safety of the community. The Court reaches this
22 conclusion based on the Defendant's past criminal history and conduct which establish a lengthy
23 and repeated history and pattern of violence and an inability to control his behavior. Some of the
24 alleged violence occurred after Mr. Clawson attended domestic violent treatment. This history
25 of violence is enhanced by the government's proffer with regard to an ongoing investigation of
26 Mr. Clawson deliberately intimidating or “shaking down” a victim, including commission of
27 battery. In addition, the Government proffered that Mr. Clawson knows the identity of the
28 victim in the instant case.

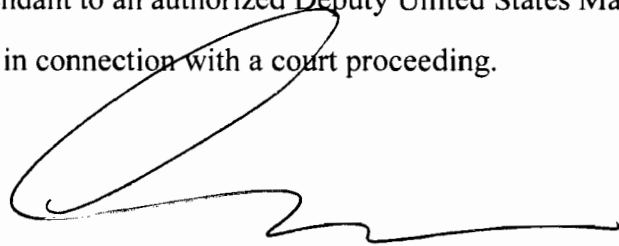
1 Therefore, pursuant to 18 U.S.C. § 3142(I), IT IS ORDERED THAT:

2 (1) the Defendant be, and hereby is, committed to the custody of the Attorney General for
3 confinement in a corrections facility separate, to the extent practicable, from persons
4 awaiting or serving sentences or being held in custody pending appeal;

5 (2) the Defendant be afforded reasonable opportunity for private consultation with his
6 counsel; and

7 (3) on order of a court of the United States or on request of an attorney for the
8 Government, the person in charge of the corrections facility in which the Defendant is
9 confined shall deliver the Defendant to an authorized Deputy United States Marshal for
10 the purpose of any appearance in connection with a court proceeding.

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12
13 March 20, 2009



14 HON. EDWARD M. CHEN
15 UNITED STATES MAGISTRATE JUDGE
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